

TRANSMITTAL LETTER TO UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A FILING UNDER 35 U.S.C. 371

International Application. No.

International Filing Date

PCT/IB98/02085

December 4, 1998

Title of Invention:

A BACTERIAL MULTI-HYBRID SYSTEM AND APPLICATIONS

CUSTOMER  
NUMBER 22852

Applicant(s) For DO/EO/US:

Daniel LADANT, Gouzel KARIMOVA and Agnès ULLMANN

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.

08/03/2000 ERINWHD 00000212 09555649

01 FC:154

130.00 OP

16. ☒ Other items or information:

- a. ☐ Verified Small Entity Statement.
- b. ☒ Copy of Notification of Missing Requirements.
- c. ☒ Viability Statements for Microorganisms, Accession Numbers I-2092, I-2093, I-2094 and I-2095.

17. [ ] The following fees are submitted:

CALCULATIONS

**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO.....\$840.00

International preliminary examination fee paid to

USPTO (37 CFR 1.482).....\$670.00

No international preliminary examination fee paid to

USPTO (37 CFR 1.482) but international search fee

paid to USPTO (37 CFR 1.445(a)(2)).....\$690.00

Neither international preliminary examination fee

(37 CFR 1.482) nor international search fee

(37 CFR 1.445(a)(2)) paid to USPTO.....\$970.00

International preliminary examination fee paid to USPTO

(37 CFR 1.482) and all claims satisfied provisions

of PCT Article 33(1)-(4).....\$ 96.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than

[ ] 20 [X] 30 months from the earliest claimed priority date

(37 CFR 1.492(e)).

\$ 130.00

Claims	Number Filed	Number Extra	Rate	
Total Claims	52 -20=	32	X \$18.00	\$
Independent Claims	2 - 3=		X \$78.00	\$
Multiple dependent claim(s) (if applicable)			+\$260.00	\$

**TOTAL OF ABOVE CALCULATIONS =**

\$ 130.00

Reduction by 1/2 for filing by small entity, if applicable. Verified

Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28)

\$

**SUBTOTAL =**

\$ 130.00

Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date

(37 CFR 1.492(f)).

\$

**TOTAL NATIONAL FEE =**

\$ 130.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet

(37 CFR 3.28, 3.31). \$40.00 per property +

\$

**TOTAL FEES ENCLOSED =**

\$ 130.00

Amount to be

refunded \$

charged \$

- a. [X] A check in the amount of \$ 130.00 to cover the above fees is enclosed.
- b. [ ] Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0916. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge any other fees due under 37 C.F.R. \$1.16 or \$1.17 during the pendency of this application to our Deposit Account No. 06-0916.

SEND ALL CORRESPONDENCE TO:


Finnegan, Henderson, Farabow

Garrett & Dunner, L.L.P.

1300 I Street, N.W.

Washington, D.C. 20005-3315

EFC/FPD/rgm

  
Ernest F. Chapman  
Reg. No. 25,961

Submitted: August 1, 2000



1 AUG 2000  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/555649	LADANT	D
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER 1300 I STREET NW WASHINGTON, DC 20005 3315		03495.0190
INTERNATIONAL APPLICATION NO.		
PCT/IB98/02085		
I.A. FILING DATE	PRIORITY DATE	
04 DEC 98	04 DEC 97	
DATE MAILED: 11 JUL 2000		

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:  
☐ a non-English language.  
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_.

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document. 2

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☒ Other: SEQUENCE LISTING

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

CHRISTINE WASHINGTON  
Telephone: 703-305-3752

U97 255649  
01 AUG 2000

#  
f

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

ADDRESSEE:

Madame D. BERNEMAN,  
Bureau des Brevets et Inventions  
INSTITUT PASTEUR  
25-28, rue du Docteur Roux  
75724 PARIS CEDEX 15

VIABILITY STATEMENT  
issued pursuant to Rule 10.2 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified on the following page

NAME AND ADDRESS OF THE PARTY  
TO WHOM THE VIABILITY STATEMENT  
IS ISSUED

<b>I. DEPOSITOR</b>	<b>II. IDENTIFICATION OF THE MICROORGANISM</b>
Name: INSTITUT PASTEUR  Address: Bureau des Brevets et Inventions 25-28 rue du Docteur Roux 75015 PARIS	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:  I - 2092  Date of the deposit or of the transfer <sup>1</sup> :  25 NOVEMBER 1998
<b>III. VIABILITY STATEMENT</b>	
The viability of the microorganism identified under section II above was tested on 30 NOVEMBER 1998 <sup>2</sup> . On that date, the said microorganism was  <input checked="checked" type="checkbox"/> <sup>3</sup> viable  <input type="checkbox"/> <sup>3</sup> no longer viable	

<sup>1</sup> Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

<sup>2</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

<sup>3</sup> Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED<sup>4</sup>

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: **CNCM**  
Collection Nationale de Cultures de  
Microorganismes

Address: **INSTITUT PASTEUR**  
28, Rue du Docteur Roux  
F-75724 PARIS CEDEX 15  
F R A N C E

Signature(s) of the person(s) having the power to represent  
the International Depositary Authority, or of authorized  
official(s)

**Yvonne CERISIER**  
Administrative Director  
of the CNCM

**Georges WAGENER**  
Scientific Advisor of the CNCM dealing  
with bacteria matters

(signature)

(signature)

Date: Paris, 14 January 1999

<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.

097555649  
01 AUG 2000

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III. VIABILITY STATEMENT	
<p>The viability of the microorganism identified under section II above was tested on 30 NOVEMBER 1998<sup>2</sup>. On that date, the said microorganism was</p> <p><input checked="checked" type="checkbox"/><sup>3</sup> viable</p> <p><input type="checkbox"/><sup>3</sup> no longer viable</p>	

- <sup>1</sup> Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
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(signature)

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Date: Paris, 14 January 1999

<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.

09/555649  
1403-2000

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Name: INSTITUT PASTEUR  Address: Bureau des Brevets et Inventions 25-28 rue du Docteur Roux 75015 PARIS	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:  I - 2094  Date of the deposit or of the transfer <sup>1</sup> :  25 NOVEMBER 1998
<b>III. VIABILITY STATEMENT</b>	
The viability of the microorganism identified under section II above was tested on 30 NOVEMBER 1998 <sup>2</sup> . On that date, the said microorganism was  <input checked="" type="checkbox"/> <sup>3</sup> viable  <input type="checkbox"/> <sup>3</sup> no longer viable	

- <sup>1</sup> Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
- <sup>2</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.
- <sup>3</sup> Mark with a cross the applicable box.



IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED<sup>4</sup>

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<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.

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Name: INSTITUT PASTEUR  Address: Bureau des Brevets et Inventions 25-28 rue du Docteur Roux 75015 PARIS	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:  I - 2095  Date of the deposit or of the transfer <sup>1</sup> :  25 NOVEMBER 1998
III. VIABILITY STATEMENT  The viability of the microorganism identified under section II above was tested on 30 NOVEMBER 1998 <sup>2</sup> . On that date, the said microorganism was  <input checked="checked" type="checkbox"/> <sup>3</sup> viable  <input type="checkbox"/> <sup>3</sup> no longer viable	

- <sup>1</sup> Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
- <sup>2</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.
- <sup>3</sup> Mark with a cross the applicable box.

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<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.